

1651

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Nicolau, Y.C. et al.

Serial No: 09/920,310

Filed: August 1, 2001

For: *Ammonium Salts Of Hemoglobin  
Allosteric Effectors, and Uses Thereof*

Attorney Docket No.: **GMX-005.01**

Examiner: Lankford, L. B.

Group Art Unit: 1651

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Certificate of Mailing**

I hereby certify that this "Response to Restriction Requirement" is being deposited with the U. S. Postal Service as First Class Mail with sufficient postage on the date set forth below in an envelope addressed to:

Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

10/29/03  
Date of Signature and Mail Deposit

By: 

Guy Marochino

**Response to Restriction Requirement**

Dear Examiner Lankford:

In response to the Restriction Requirement in the above-identified application, mailed September 29, 2003, the Applicants respectfully elect **Group II**, claims 10-29. However, the Applicants respectfully assert that simultaneous examination of Groups II and I (claims 1-9) would not place an undue burden on the Examiner because the Inventions are related as compositions containing an aliphatic ammonium cation and an anionic ligand for a mammalian cellular receptor. See MPEP § 803 ("If the search and examination of an entire application can be made without serious burden, the [E]xaminer must examine it on the merits, even though it includes claims to independent or distinct inventions."). Therefore, the Applicants respectfully request that the Examiner modify the instant Restriction Requirement, examining Groups I and II, i.e., claims 1-29, in the instant application.

### *Election of Species for Search Purposes*

The Applicants respectfully elect the Species wherein the aliphatic ammonium cation is cyclohexylamine and the anionic ligand for a mammalian cellular receptor is inositol hexaphosphate (See Example 1 on page 49 of the application). Claims 1-29 read on the elected Species.

Of course, the elections of Species made herein are made solely for search purposes. The Applicants expressly reserve the right to prosecute species not elected herein in other patent applications claiming the benefit of the filing date of this application. Furthermore, the Applicants understand that upon allowance of a generic claim, they will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim. See 37 CFR 1.141.

### Fees

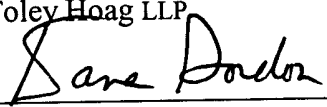
The Applicants believe no fee is due in connection with the filing of this paper. Nevertheless, the Director is hereby authorized to charge any required fee to our Deposit Account, 06-1448.

### Conclusion

The Applicants believe that they have responded fully to the Office communication dated September 29, 2003. However, if a telephone conversation with Applicant's Attorney would expedite prosecution of the above-identified application, the Examiner is urged to contact the undersigned.

155 Seaport Boulevard  
Boston, MA 02210  
Telephone: (617) 832-1000  
Telecopier: (617) 832-7000

Date: 10/29/03

Respectfully submitted,  
Foley Hoag LLP  
By:   
Dana M. Gordon, PhD  
Reg. No. 44,719  
Attorney for Applicants